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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [AJ](#)
SUBJECT: APPEALS COURT UPHOLDS RULING ON AZADLIG EDITOR'S
PRE-TRIAL DETENTION

REF: BAKU 1359

Classified By: Pol/Econ Chief Joan Polaschik per 1.4 (b,d).

11. (SBU) On November 22, the Court of Appeals upheld the Yasamal District Court's November 11 ruling stipulating that Azadlig newspaper Editor-In-Chief Ganimat Zahid would remain in pre-trial detention for two months. Zahid was arrested on November 10 on charges of hooliganism and inflicting minor bodily harm, based on a November 7 altercation that appears to have been a set-up (reftel). Elchin Sadikov, one of Zahid's defense attorneys, reported that on November 10, Zahid was not permitted contact with his attorneys for approximately 13 hours, during which time he was questioned by police and forced to confront the plaintiff. Emboffs, journalists, and human rights activists were not permitted access to the November 11 hearing; observers and journalists were also barred access on November 22.

12. (SBU) By the end of the two-month period, the court must formally charge Zahid with the crimes and bring the case to hearing, dismiss the charges against Zahid and release him, or rule that more time is needed to investigate the case and extend Zahid's period of pre-trial detention. One of Zahid's defense attorneys, Rashid Hajili, told us that the domestic appeals process regarding pre-trial detention has been exhausted, and that the court can legally extend Zahid's period of pre-trial detention up to one year based on the nature of the crimes under investigation. Hajili said that Zahid's defense team will file a case with the European Court of Human Rights on the basis of a violation of article five of the European Convention on Human Rights, which provides for the right to liberty.

13. (C) In a November 23 meeting with emboffs, Popular Front Party (PFP) Deputy Chair Fuad Mustafayev expressed his party's gratitude for the United States' strong role in speaking out against Zahid's arrest. Mustafayev said that the Court of Appeals gave "no justification" for upholding Zahid's pre-trial detention, adding that the party fears Zahid will receive the maximum sentence once the case is brought to trial. The PFP believes that Zahid's arrest is the latest in a series of moves against the party that began more than a year ago and includes the party's eviction from its headquarters at 33 Khagani street, the arrest and conviction of Azadlig satirist Mirza Sakit, and the violent beating of Azadlig journalist Fikret Huseynli. Mustafayev also noted that Azadlig has been crippled financially by a total of more than USD 300,000 in fines resulting from criminal libel convictions. According to Mustafayev, the PFP leadership believes that growing GOAJ pressure on the opposition's media outlets is paving the way for broader action against the opposition parties in the run-up to the 2008 presidential election. Mustafayev noted that tight executive branch control over the courts will make it very difficult for the PFP and other opposition parties to survive

this pressure.
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